

**Application by Five Estuaries Offshore Wind Farm Limited for an Order Granting Development Consent for the proposed Five Estuaries Offshore Wind Farm**

**Agenda for Issue Specific Hearing 2 (ISH2):**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 2 on draft Development Consent Order matters</b>	<p><b>Thursday 19 September 2024</b></p> <p>Seating available from 14:00</p> <p><b>Hearing Starts at 14:30</b></p> <p>Online Registration Process from 14:00</p>	<p><b>Blended event at Wivenhoe House Hotel Wivenhoe Park, Park Road Colchester CO4 3FA</b></p> <p>Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered</p>

**Agenda items**

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of Issue Specific Hearing 2**
- 3. Matters for discussion at this hearing**

**Documents** that may be referred to during the discussion of this item:

- [APP-008] – Onshore Land Plans
- [APP-010] – Onshore Works Plans
- [APP-024] – draft Development Consent Order
- [APP-025] – Explanatory Memorandum
- [APP-263] – Coordination Document
- [AS-004] – Onshore Project Description

3.1	<p><b>Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties</b></p> <p>a) Applicant’s explanation of its approach to the drafting of the dDCO [APP-024] and the Explanatory Memorandum [APP-025]</p> <p>b) References to units of distance, area or volume</p> <p>c) Articles in the dDCO, including</p>
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	<ul style="list-style-type: none"> <li>• Article 2 (Interpretation) – consideration of any unnecessary inclusions and/or omissions, including any legislative citations</li> <li>• Article 7 (Benefit of the Order)</li> <li>• Article 8 (Application and modification of legislative provisions)</li> <li>• Article 22 (Time limit for exercise of authority to acquire land compulsorily)</li> <li>• Article 30 (Temporary use of land for carrying out the authorised development)</li> <li>• Article 45 (No double recovery)</li> </ul> <p>d) The Schedules in the dDCO, including</p> <ul style="list-style-type: none"> <li>• Schedule 1 – structure and formatting</li> <li>• Schedule 2 (Requirements) <ul style="list-style-type: none"> <li>➤ Requirement 4 (Stages of authorised development onshore)</li> <li>➤ Requirement 8 (Code of construction practice)</li> <li>➤ Requirement 13 (Soil Management Plan)</li> <li>➤ Requirement 15 (Ground water monitoring)</li> <li>➤ Requirement 16 (Restoration of land used temporarily for construction)</li> <li>➤ Requirement 17 (Control of noise during operational stage)</li> <li>➤ Requirement 19 (Onshore build options)</li> <li>➤ Requirements 21/22 (Reuse of temporary works with the onshore works for North Falls)</li> <li>➤ Requirement 26 (Requirement for written approval)</li> </ul> </li> <li>• Schedule 7 (Land in which only new rights etc. may be acquired) – formatting issues</li> <li>• Schedule 9 (Protective Provisions) – update from the Applicant with respect to the negotiations concerning Protective Provisions</li> <li>• Schedules 10 and 11 (Deemed Marine Licences) – update from the Applicant with respect to negotiations with the Marine Management Organisation, with particular regard to the observations made by Marine Management Organisation in [RR-070]</li> </ul>
3.2	<p><b>Other consents, licences and agreements</b></p> <p>The ExA will request a progress update from the Applicant, as well as an indicative timescale for finalising agreements and any required permits and any other property related agreements</p>
3.3	<p><b>Consistency/Inconsistency between the draft Development Consent Orders for the proposed Five Estuaries and North Falls Offshore Wind Farms</b></p>

	The Applicant to comment on any consistency/inconsistency between the two draft Development Consent Orders that have been submitted
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#### **4. Any Other Business**

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to topics raised in ISH2 that they consider should be examined.

#### **5. Review of matters and actions arising**

The ExA will discuss how any actions arising from the discussion of the dDCO are to be addressed by the Applicant, IPs or Other Persons following ISH2. A written action list will be published if required.

#### **6. Close of Hearing**

## Attendees

Based on Relevant Representations received and the requests to attend ISH1 made at Pre-examination Procedural Deadline D, the ExA would find it helpful if the following parties could attend this Hearing.

- Applicant
- Marine Management Organisation
- Essex County Council
- Tendring District Council
- Suffolk County Council
- Babergh District Council
- National Highways
- London Gateway Port Limited
- Port of London Authority

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

## Timing

The ExA will keep to the agenda as much as possible. The hearing is not expected to go beyond 17:30.

Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing.

## Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **14:30** those attending virtually should join promptly at **14:00** to ensure that all virtual attendees can complete the Registration Process in good time.

## **Procedure at ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.